

REMARKS

Claims 1-5, 7-8, 11, 17-20, 22, 32-37 and 40-43 are pending. Applicants traverse the Examiner's rejections of these claims.

Claim 1-5, 7-11, 17-20 and 22 were rejected under 35 U.S.C. § 112, second paragraph, as being unclear, and in particular, claims 1, 4, 19 and 20 were rejected as "unclear for omitting essential process steps." Applicants disagree, as "performing a time resolved luminescence analysis" is clearly an action, not an end result, nor is it passive. This is also true of the other phrases mentioned by the Examiner in claim 19 regarding, the Examiner's words, "determining corresponding emission energies and lifetimes", as this phrase is also an action, not an end result. In fact, these phrases ("performing" and "determining") state an action or an activity, something to be done.

Further, the specification does not state in any place that there are certain features that are essential. The specification does not use the words "must" or "critical" or similar language to indicate that a feature is essential. The Examiner cites the MPEP 2172.01, which states that a claim "which omits matter disclosed to be essential to the invention as described in the specification or in other statements of record may be rejected under 35 U.S.C. 112, *first paragraph*." The Examiner cites Section 112, *second* paragraph. Thus, it is unclear why the claims are objected to. Nonetheless, the claims do not leave out a critical feature, nor are they lacking for being passive, "performing" and "determining" are clearly stating an action.

Applicants request that this rejection be withdrawn.

The Examiner also rejected claims 1-5, 7-8, 11, 17-18 and 22 under 35 U.S.C. 103(a) as being unpatentable over *McFarland* (US 6441901) in view of *Creivier* (US 6738529). The Examiner stated that claim 20 would be allowable if rewritten in independent form. Applicants amend claim 1 accordingly and cancels claim 20.

Applicants request that this rejection be withdrawn.

Applicants believe that the foregoing is a full and complete response to the Office Action of record. For the foregoing reasons, Applicants submit that the present claims meet

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all the requirements for patentability. Please charge any deficiency in fees or credit any overpayments to Deposit Account No. 05-1712 (Docket #: 2004B004).

Respectfully submitted,

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